

BMS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

FILED
U.S. DISTRICT COURT
CLERK'S OFFICE

VITA-MIX CORPORATION

CASE NO. 08-CV-05231

Plaintiff,

JUDGE SCHILLER

v.

DINH LE *et al.*

Defendants.

**PERMANENT INJUNCTION BY CONSENT
AND NOTICE OF DISMISSAL WITH PREJUDICE**

It is hereby stipulated by and among plaintiff Vita-Mix Corporation ("Vita-Mix") and defendants Dinh Le and Xuan Nguyen (who also have conducted business as Nahm Lam, NCBC Le and Baie Biz) ("Defendants") (collectively with Vita-Mix, the "Parties"), through their respective counsel, and it is hereby ORDERED, ADJUDGED and DECREED by the Court based upon consideration of the Parties' agreement to settle this case and their stipulation to the entry of this Order, as follows:

(1) Defendants, and each of their respective officers, agents, servants, employees, attorneys and all other persons who are in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are hereby permanently enjoined from directly or indirectly selling, offering for sale, advertising or otherwise dealing in any products manufactured or sold by Vita-Mix or that otherwise bear either the VITA-MIX® Mark or Vita-Mix's 5200™ Mark.

(2) Subject to the foregoing permanent injunction, Vita-Mix dismisses, with prejudice, all of its claims asserted in this matter against Defendants.

(3) Each Party shall bear its own costs and attorneys' fees.

(4) The United States District Court for the Eastern District of Pennsylvania shall retain exclusive jurisdiction over this matter to enforce the terms of the parties' agreement to settle this case. The United States District Court for the Eastern District of Pennsylvania shall retain non-exclusive jurisdiction to enforce the terms of the permanent injunction set forth herein, which also may be enforced by any federal district court of competent jurisdiction.

IT IS SO STIPULATED.

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IT IS SO ORDERED.

Date: 1-13-09

Berle M. Schiller

THE HONORABLE BERLE M. SCHILLER